

MINUTES
BOARD OF EXAMINERS
OF CONSTABLES
MEETING
TUESDAY
JUNE 5, 2017
11:00 A.M.
TATNALL BUILDING
150 MARTIN L. KING, JR. BOULEVARD SOUTH
ROOM 112
DOVER, DE

I. Call to Order

Lt. Col. Hudson called the meeting to order at 1101 hours. The meeting was recorded and the Professional Licensing Section will maintain the records.

Introductions were made around the table of the Board and Staff members and the guests in attendance.

The following members of the Board of Examiners were in attendance:

Lieutenant Colonel Monroe B. Hudson, Jr.
Captain Laura O'Sullivan – In @ 1104
Chief William E. Bryson
Mr. John F. Tharan

The following members of the Board of Examiners were absent:

Ralph K. Durstein, III, Esquire

The following staff members were in attendance:

Rae Mims, Esquire – Out @ 1138
Lieutenant Kerry B. Reinbold – Professional Licensing Section
Sergeant Matthew M. Zolper – Professional Licensing Section
Ms. Peggy L. Anderson – Professional Licensing Section
Mr. Michael Terranova – DTCC Representative

The following staff members were absent:

Captain S. Benjamin Parsons – State Bureau of Identification

The following guests were in attendance:

Mr. Ric Palma, Sr.
Mr. Stephen Martelli
Mr. Purcell Dye
Mr. Daniel C. Shelton
Mr. Vincent Green – Out @ 1126
Mr. Tim Winstead
Mr. Alan Ellingsworth
Mr. Radford Garrison

II. Review and Acceptance of Minutes
A. December 14, 2016

Chief Bryson, with a second by Lt. Col. Hudson, made a motion to approve the minutes from 12/14/16 as presented. The motion was carried.

III. New Commissions

Ms. Anderson informed the Board that Delaware Technical Community College was having difficulty with the Constable Overview Orientation On-Line and that the issue is being worked on and should be rectified by this afternoon or tomorrow – per Mr. Terranova.

- A. A.I. DuPont Hospital for Children
1. Christopher M. Birely, Sr.
2. Scott P. Carrow

Ms. Anderson informed the Board that A.1. & 2 need to take the Constable Overview Orientation.

Mr. Tharan, with a second by Chief Bryson, made a motion to approve A.1. & 2 for new Constable Commissions pending the Overview certificate is provided to Professional Licensing. The motion was carried.

- B. Christiana Care Health System
1. Andrew Guyton

Ms. Anderson informed the Board that B.1 needs to take the Constable Overview Orientation.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve B.1 for new Constable Commission pending the Overview certificate is provided to Professional Licensing. The motion was carried.

Captain O'Sullivan entered the meeting @ 1104

C. Delaware Technical Community College

1. Thomas C. Harris, III
3. Galen M. Purcell

Ms. Anderson informed the Board that C.1. & 3 have submitted all necessary documentation.

Mr. Tharan, with a second by Chief Bryson, made a motion to approve C.1. & 3 as presented for new Constable Commissions. The motion was carried.

2. Michael W. McMillan

Ms. Anderson informed the Board that C.2 needs to take the Constable Overview Orientation.

Chief Bryson, with a second by Lt. Col Hudson, made a motion to approve C.2 for new Constable Commission pending the Overview certificate is provided to Professional Licensing. The motion was carried.

D. RI International

1. Stephen Martelli

Ms. Anderson refreshed the Board on their decision to have Mr. Martelli submit all necessary documentation and appear before this meeting to ask to have the Constable Academy waived due to his years of service with the Department of Corrections (DOC) in accordance with Rule 1.8.1.

Mr. Martelli explained that he retired in 2011 after 28 years of service with the DOC. Since retirement he has worked in the security industry at Bank of America with G4S Secure Solutions. He was given training by G4S in Search & Seizure last year. Laws of Arrest are not taught in security or corrections. While working at DOC he had partnered with the U.S. Marshall's Task force in 2006 or 2007.

After discussion, Chief Bryson, with a second by Mr. Tharan, made a motion to waive the Academy for D.1. Mr. Martelli must submit to the MMPI/PAI, Overview Orientation, pass the test and submit four more letters of reference. The motion was carried.

2. Bruce M. Mullen

Ms. Anderson informed the Board that D.2 needs to take the Constable Overview Orientation and the test.

Lt. Col. Hudson, with a second by Chief Bryson, made a motion to approve D.2 for new Constable Commission pending the Overview certificate is provided to Professional Licensing and that he pass the test. The motion was carried.

3. Ricardo A. Palma, Sr.

Ms. Anderson refreshed the Board on their decision to have Mr. Palma submit all necessary documentation and appear before this meeting to ask to have the Constable Academy waived due to his years of service with the Department of Corrections in accordance with Rule 1.8.1.

Mr. Palma stated that he retired on 05/20/12 after 26 ½ years of service with DOC. He has been working part-time with RI, but not in the capacity of a constable. He has been working security for 2 years with G4S Secure Solutions.

After discussion, Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to waive the Academy for D.4. Mr. Martelli must submit to the MMPI/PAI, Overview Orientation and pass the test. The motion was carried.

4. Michelle E. Williams

Ms. Anderson informed the Board that D.4 needs to take the Constable Overview Orientation and the test.

Chief Bryson, with a second by Lt. Col. Hudson, made a motion to approve D.4 for new Constable Commission pending the Overview certificate is provided to Professional Licensing and that she pass the test. The motion was carried.

IV. Terminations/Resignations

A. Christiana Care Health System

1. William M. Anderson, Jr.
2. William P. Babby, 3rd
3. Bruce T. Blackburn
4. Michael P. Capodanno, Jr.
5. Michael Diossi, Sr.
6. Bernard R. Donovan
7. Richard W. Gerard
8. Brian J. Heath
9. Francis E. Szczerba

B. Delaware Technical Community College

1. Willard C. Wood

C. Indian River School District

1. Douglas B. Hudson

D. Metropolitan Transit Authority

1. Agency
2. Edwin R. Boulware
3. Barry T. Lee
4. Robert B. Workman

E. RI International

1. Brian C. Bolen

Ms. Anderson informed the Board that IV.A. – E is for informational purposes only. No vote necessary.

V. Issues/Concerns/FYI

A. Capital School District

1. Vincent A. Green

Ms. Anderson refreshed the Board the Mr. Green was presented to the 10/04/16 Board Meeting and was approved pending he take and pass the test. Mr. Green failed the test twice and was informed by the Professional Licensing Section that he would need to attend the Academy, in accordance with Rule 1.6.

Mr. Shelton, Superintendent of Capital School District, informed the Board that he had given Mr. Green bad advice in the fall in regards to taking the test. He recommended that Mr. Green take the test immediately after the first time he had a failing score, which resulted in a second failing score. He was under the impression that time was a factor and the test needed to be taken again right away.

Mr. Shelton is here to ask the Board to allow Mr. Green to take the test one more time since the Academy has been cancelled (actually only postponed at this point).

After review of Rule 1.6 and seeing that there is no flexibility for the Board to take any other action, Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to deny the request to take the test a third time, therefore Mr. Green must attend the Academy. The motion was carried.

Mr. Green left the meeting @ 1126.

VI. Rule 4.0 – Badges & Vehicle Markings

A. Bayhealth

1. Badge

Lt. Col. Hudson, with a second by Chief Bryson, made a motion to approve A.1 as presented for Bayhealth. The motion was carried.

B. Capital School District

1. Badge

Chief Bryson, with a second by Mr. Tharan, made a motion to approve B.1 as presented for Capital School District. The motion was carried.

VII. Instructors

A. Issues

1. Rule 6.0 – Baton, Nightstick, PR24, Chemical Spray, and Handcuffs

Lt. Reinbold explained to the Board that the Professional Licensing Section does not have anyone with the knowledge to approve instructors for those in Rule 6.2. He would like to see this Office get away from approving these instructors without the guidance/direction from the Board. This would require that the rule be re-written for all three Boards and would have reciprocity with all three in the same capacity as the Firearms Rule for all three industries.

Lt. Colonel Hudson asked that the Firearms Sub-Committee be re-convened to work on this subject matter. This sub-committee will be renamed to “Weapons Sub-Committee” so that it may include all weapons/items used by all three industries.

2. Rule 7.0 – Conducted Electrical Weapon (CEW)
3. Rule 8.0 - Canine

Rules 7.0 & 8.0 would also be included in the Sub-Committee review.

DAG Mims left the meeting @ 1138

VIII. Old Business

A. Professional Licensing

1. Rules & Regulations
 - a. Rule 4.0 – Badges & Vehicle Markings

Ms. Anderson refreshed the Board that this Rule has already been through the first publication, but was caught in the Public Comment at the 07/26/16 Board Meeting. Since that time, Professional Licensing Staff has come up with an amendment that may solve the issue at hand regarding vehicle lights.

The additional wording in 4.5.3 would read: “Other color lights must be approved by the Secretary of Safety and Homeland Security.”

After discussion, Captain O’Sullivan, with a second by Chief Bryson, made a motion to approve the amended Rule 4.0 for first publication. The motion was carried.

B. Board Members

The Board Members did not have any old business at this time.

C. Lieutenant Colonel

Lt. Colonel Hudson did have any old business at this time.

VIII. New Business

A. Professional Licensing

1. Rules & Regulations

a. Rule 1.0 – Licensing

Lt. Reinbold asked the Board about the MMPI/PAI that is required in Rule 1.4 and what to do when there are issues with the final evaluation. Again, no one is certified or has enough knowledge to say whether or not someone is fit to work or not.

After discussion, Lt. Colonel Hudson asked that any applicant that has concerns in the evaluation should be brought before the Board as an FYI matter. The hiring of the individual will rest upon the employer.

b. Rule 3.0 – Criminal Offenses

Lt. Reinbold explained that Rule 3.0 lists the charges for Moral Turpitude, however states that it is “not limited to” those particular charges. With that in mind, the Professional Licensing Office is reviewing all Resisting Arrest and Offensive Touching of Law Enforcement Officials arrests and will make a decision on a case by case basis. He just wanted to make the Board aware as they may see an individual requesting a hearing for one of those charges. The final decision will be made by the Board.

This is for informational purposes only – no vote necessary.

c. Rule 9.0 – Minimum Training Standards and In-Service Training

Ms. Anderson informed that Board that during a discussion with Mr. Terranova and Mr. Kracyla for the Constable In-Service, it was determined that the minimum of eight hours classroom in Rule 9.3 is not always feasible. This recommendation was brought back to the Professional Licensing Section for discussion.

Lt. Reinbold spoke about how this works with the instructors covering the course of instruction and it may not take the whole allotted time given to each topic.

Mr. Terranova explained that there are not always lengthy updates to give to the constables during the In-Service. The On-Line In-Service does not have the eight hour requirement whereas the classroom does. The law and rules & regulations are no longer being reviewed every year, so that takes more time out of the eight hour requirement. The number of students is also a factor in how long each section will take to review.

Captain O'Sullivan stated that this is just for the basic refresher course and not in the actual Academy, where the training is more detailed.

After discussion, Chief Bryson, with a second by Mr. Tharan, made a motion to remove the requirement of eight hours of classroom instruction from Rule 9.3 as presented. The motion was carried.

2. Dual Licensing

Lt. Reinbold brought to light that there is nothing in the law or rules & regulations that states a constable cannot also work as a bail enforcement agent, security guard, private investigator or correctional officer. This had been a long standing practice in Professional Licensing to deny licensure if an individual was a constable or wished to become a constable.

Mrs. Bell, Executive Director of DELJIS, is working on amending the law regarding access to DELJIS in relation to those working in any industry regulated by this Office.

B. Board Members

The Board members did not have any new business at this time.

C. Lieutenant Colonel

Lt. Colonel Hudson did not have any new business at this time.

IX. Public Comment

Mr. Garrison, Bayhealth, spoke about the CEW instructors and their certification expiration dates – Taser specifically. Ms. Anderson will work with Mr. Garrison on any issue he may have regarding this matter.

Mr. Dye, Director of RI International, stated that he was very glad he attended the meeting this morning. He learned quite a lot from the discussions and has a much better understanding of how the Board works.

X. Adjournment

A. Next Meeting

1. To be determined after Constable Academy

Lt. Col. Hudson, with a second by Chief Bryson, made a motion to adjourn the meeting at 1157 hours. The motion was carried.